REMARKS

The Official Action of March 8, 2005 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The courtesy of Examiner Taylor V. Oh in conducting an interview with the undersigned on August 24, 2005 is gratefully acknowledged. The Interview Summary which issued at the interview accurately reflects what transpired as further discussed below.

In the interview, Applicants' undersigned representative discussed with the Examiner the steps of the process of the cited Baniel et al reference, as described in the figure of the Baniel drawing. Applicants pointed out that, whereas the reference describes (i) the optional recycling of regenerated extractant (17) to the "Conversion and Extraction" step, and (ii) the optional recycling of aqueous raffinate through streams 11, 14 and 16, there is nothing in the reference to show or suggest the claimed step (d) of first extracting the raffinate with the stripped extractant and then using the lactic acid-containing stripped extractant as the basic amine extractant in step (a). The Examiner acknowledged this, but contended that this is basically the same as steps (i) and (ii) above and would be obvious therefrom.

Applicants pointed out to the Examiner that extracting the raffinate with the extractant prior to use in the extraction and separation process is more efficient in that less lactic acid is lost in the raffinate stream, and that the entire raffinate stream could not be repeatedly recycled

back to the extraction unit in any event. In particular, as would be apparent from the specification as filed at, for example, page 9, a benefit of extracting the raffinate with the extractant prior to use in the extraction and separation process is to reduce the lactic acid in the raffinate stream, making the process more efficient and effective - i.e. less lactic acid is lost in the raffinate stream. This works because the extractant has full extraction capability and is therefore able to extract significant amounts of the low level of lactic acid present in the raffinate stream.

Merely recycling some amount of raffinate does not have this same benefit. In the extraction/separation, the extractant will be extracting lactic acid from the incoming aqueous stream having the higher lactic acid content. The raffinate exiting after separation will continue to have some lactic acid due to extraction equilibrium. In addition, the entire raffinate stream clearly cannot be completely recycled back into the extraction unit, as the volume would continue to increase with each recycle loop.

Applicants pointed out that, for the above reasons, the Examiner has not set forth even a *prima facie* case of obviousness. In this connection, Applicants called the Examiner's attention to the provisions of the Manual of Patent Examining Procedure (e.g., MPEP Section 706.02(j)), which require for a *prima facie* case that a reference disclose all of the limitations of a claimed invention and a motivation for any proposed modification of a reference. In the present case, the reference does not show the recited step (d) and the Examiner has not provided a motivation in the prior art for a modification of the reference to arrive at this step.

In view of the above, the Examiner suggested that he might allow the application if Applicants were to emphasize the distinction over the prior art such as by amending step (d) to make even more clear that the contacting with the raffinate stream occurs before the lactic acid-containing stripped extractant is used to contact the aqueous solution. Applicants have now done this.

Applicants respectfully submit that, as discussed at the interview and as repeated above, the cited Baniel reference does not teach the claimed step (d) of extracting the aqueous raffinate solution separated in step (b) with the stripped extractant formed in step (c) to extract lactic acid from the aqueous raffinate solution to form a lactic acid-containing stripped extractant, and then, and only then, using the lactic acid-containing stripped extractant formed in step (d) as the water-immiscible basic amine extractant in step (a). Since there would have been no motivation, absent the hindsight provided by the provided by the present specification, to modify the Baniel reference in this manner, the cited reference cannot set forth even a *prima facie* case of obviousness for the invention as claimed (see MPEP Section 706.02(j)).

In view of the above, it is respectfully submitted that all rejections and objections of record have now been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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